

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------|---|--------------------------|
| JAMES NIXON, | : | Civil No. 1:25-CV-00341 |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| MARK WAHL, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | Judge Jennifer P. Wilson |

ORDER

AND NOW, on this 9th day of June, 2025, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT:**

1. Plaintiff's application for leave to proceed in *forma pauperis*, Doc. 4, is **GRANTED**.
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed in forma pauperis. The full filing fee shall be paid regardless of the outcome of the litigation.
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.
4. The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited

- to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent / Warden, or other proper official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.
5. The Clerk of Court shall send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined.
 6. The complaint, Doc. 1, is deemed **FILED**.
 7. The complaint, Doc. 1, is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
 8. Plaintiff may file an amended complaint, consistent with this court's memorandum, **by no later than July 9, 2025**.¹
 9. The Clerk of the Court will forward Plaintiff two (2) copies of the court's civil complaint form for his use in drafting the amended complaint.
 10. If Plaintiff fails to timely file an amended complaint, the court will enter an order dismissing the complaint with prejudice and close the case.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Judge
Middle District of Pennsylvania

¹ If Plaintiff does not wish to amend the complaint, he may file a notice stating that he intends to stand on the complaint. If Plaintiff files such notice, the court will enter a final order dismissing the complaint so that an appeal may be filed. *See Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019).